

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff

5 v.

6 MARKELL BOYD,

7 Defendant

Case No.: 2:24-cv-00292-APG-MDC

Order Denying Emergency Motion for Stay

[ECF No. 1]

8 The United States of America has moved for an emergency order staying Magistrate
9 Judge Couvillier's decision to release defendant Markell Boyd rather than detain him. The
10 United States seeks a temporary stay from me until Monday February 12, 2024, when the United
11 States will seek review of the release order in the Northern District of Ohio.

12 I deny the motion because I do not have jurisdiction under 18 U.S.C. § 3145(a) to review
13 Judge Couvillier's release order. As the United States acknowledges, that jurisdiction rests with
14 the "court having original jurisdiction over the offense," which is the Northern District of Ohio.
15 18 U.S.C. § 3145(a). Even if I have jurisdiction under 28 U.S.C. § 636(b)(1)(A) to review Judge
16 Couvillier's release order, or his decision to deny a stay of his order pending appeal, neither of
17 his decisions is clearly erroneous or contrary to law.

18 I THEREFORE ORDER that the United States' emergency motion for stay (**ECF No. 1**)
19 **is DENIED.**

20 DATED this 9th day of February, 2024.

21 

22 ANDREW P. GORDON
23 UNITED STATES DISTRICT JUDGE